

## VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: 2305-VS-09 FILING DATE: 4-14-23  
FILING FEE: \$ \_\_\_\_\_ FEE PLUS \$ \_\_\_\_\_ PER ADDITIONAL VARIANCE (@ \_\_\_\_\_) = \$ \_\_\_\_\_

### PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: NESTOR + DAVID (STAFF NAME) DATE: 3/17/2023

### PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: \_\_\_\_\_ AMENDMENTS: \_\_\_\_\_ DEVELOPMENT PLAN: \_\_\_\_\_  
PRIMARY PLAT: \_\_\_\_\_ SECONDARY PLAT: \_\_\_\_\_ VARIANCE(S): \_\_\_\_\_

### APPLICANT INFORMATION

APPLICANT'S NAME: BILL CHICHWALK TELEPHONE: 317.209.4080  
ADDRESS: 19002 SHADY NOOK RD, WESTFIELD, IN 46062 EMAIL: bill@harrells.com  
PROPERTY OWNER'S NAME: WILLIAM D. CHICHWALK TELEPHONE: same  
ADDRESS: \_\_\_\_\_ EMAIL: same  
REPRESENTATIVE'S NAME: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_  
COMPANY: \_\_\_\_\_ EMAIL: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

### PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 19002 SHADY NOOK RD.  
COUNTY PARCEL ID #(S): 08-06-29-00-00-015.000  
EXISTING ZONING DISTRICT(S): AG-SF1 EXISTING LAND USE(S): RESIDENTIAL

### PROPERTY AND PROJECT INFORMATION

☐ VARIANCE OF LAND USE CODE CITATION: \_\_\_\_\_  
☒ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: 4.2(c) + 4.2(d)

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY): We are proposing to split our existing 2.67 AC Agriculture/Single Family Property (AG-SF1) into 2 separate parcels. Existing home outbuildings and fencing would comprise 1 parcel (approx 1.4 AC) and the remaining raw land (approx 1.27 AC) will be sold to a family member to construct a single family residence.

**APPLICANT AFFIDAVIT**

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says that above information is true and correct as he/she is informed and believes and that Applicant owns or controls the property involved in this application.

William D. Chichwa  
Applicant/Representative (signature)

William D. Chichwa  
Applicant/Representative (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the above party, who having been duly sworn acknowledged the execution of the foregoing Application.

Witness my hand and Notarial Seal this 14 day of April, 2023  
State of Indiana, County of Marion, SS: \_\_\_\_\_

Shane Sparks  
Notary Public (signature)

Shane Sparks  
Notary Public (printed)

SHANE SPARKS  
NOTARY PUBLIC  
**SEAL**  
HAMILTON COUNTY, STATE OF INDIANA  
COMMISSION NO. NP0648424  
MY COMMISSION EXPIRES OCTOBER 20, 2029

**PROPERTY OWNER AFFIDAVIT**

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says they are the owners of the property involved in this application and that they hereby acknowledge and consent to the foregoing Application.

William D. Chichwa  
Property Owner (signature)\*

William D. Chichwa  
Property Owner (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the Property Owner, who having been duly sworn acknowledged and consents to the execution of the foregoing Application.

Witness my hand and Notarial Seal this 14 day of April, 2023  
State of Indiana, County of Marion, SS: \_\_\_\_\_

Shane Sparks  
Notary Public (signature)

Shane Sparks  
Notary Public (printed)

\*A signature from each party having interest in the property involved in this application is required. If the Property Owner's signature cannot be obtained on the application, then a notarized statement by each Property Owner acknowledging and consenting to the filing of this application is required with the application.

SHANE SPARKS  
NOTARY PUBLIC  
**SEAL**  
HAMILTON COUNTY, STATE OF INDIANA  
COMMISSION NO. NP0648424  
MY COMMISSION EXPIRES OCTOBER 20, 2029

**FINDINGS OF FACT (VARIANCE OF USE)**

**APPLICANT:** \_\_\_\_\_ **DOCKET #:** \_\_\_\_\_

In taking action on a variance request, the Board of Zoning Appeals uses the following decision criteria to approve or deny a variance, as established by Indiana Code, and the Board may impose reasonable conditions as part of its approval. The applicant must address the criteria below. A variance of land use may be approved by the Board of Zoning Appeals only upon a determination that the Board finds all of the following to be true:

A. The use will not be injurious to the public health, safety, morals, and general welfare of the community because: \_\_\_\_\_

B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: \_\_\_\_\_

C. The need for the variance arises from some condition particular to the property involved because: \_\_\_\_\_

D. The strict application of the terms of the Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because: \_\_\_\_\_

E. The variance of use does not interfere substantially with the Comprehensive Plan because: \_\_\_\_\_



**FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)**

APPLICANT: Bill Chichwak

DOCKET #: \_\_\_\_\_

In taking action on a variance request, the Board of Zoning Appeals uses the following decision criteria to approve or deny a variance, as established by Indiana Code, and the Board may impose reasonable conditions as part of its approval. The applicant must address the criteria below (if multiple variances of development standard are being requested, then this sheet should be completed separately for each requested variance). A variance of land use may be approved by the Board of Zoning Appeals only upon a determination that the Board finds all of the following to be true:

- A. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because: the proposed use will be directly in line with current community standards as a private residence.
- B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: the size of the proposed parcels (41.4 ac, 41.27 ac) and the proposed use as single family dwellings are reflective of the area and surrounding residential neighborhoods.
- C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: current zoning standards for the property (AG-SF1) would prohibit the split of the property due to the requirements of AG-SF1 requirements of 250' of Road Frontage as well as minimum lot size of 3 ac.

## GENERAL INSTRUCTIONS

- A. **Pre-Filing Conference:** A pre-filing conference is required for all petitions. An appointment must be made with the Community Development Department (the "Department") to discuss a petition prior to filing. An application will not be considered filed until a pre-filing conference has occurred. Applicants are encouraged to incorporate the Department's comments into the application prior to filing.
- B. **Filing Petition:** A petition shall be filed with the Department by the filing deadline in accordance with the Schedule of Meeting and Filing Dates. In order to be deemed a complete petition, a petition shall include the following:
- |  |  |
|--|--|
| <input type="checkbox"/> Completed Application                 | <input type="checkbox"/> Legal Description   |
| <input type="checkbox"/> Draft Public Notice <i>After App.</i> | <input type="checkbox"/> List of Adjoining Property Owners (as provided by County)                                   |
| <input type="checkbox"/> Property Owner Consent                | <input type="checkbox"/> TAC Delivery Affidavit (if TAC is determined to be necessary)                               |
| <input type="checkbox"/> Site Plan (to scale)                  | <input type="checkbox"/> Copy of Property Deed <i>AFTER</i>  |
| <input type="checkbox"/> Statement of Intent                   | Elevations, photographs or other supporting information necessary to explain the nature of the requested variance(s) |
- C. **Filing Fee Check:** After the filing of an application, the Department will advise the applicant of the applicable filing fee amount, which is due and payable (checks made out to "City of Westfield") within two (2) weeks of filing.
- D. **Technical Advisory Committee (TAC):** The applicant is responsible for submitting a copy of the application and related information to Technical Advisory Committee members prior to filing, if determined by the Department to be necessary. An affidavit confirming delivery of information is required to be completed and signed by the applicant and submitted with the petition. Technical Advisory Committee meetings are held in the City Services Building (2728 East 171st Street, Westfield, IN 46074) in accordance with the Schedule of Meeting and Filing Dates. A representative must be present at this meeting.
- E. **Public Hearing and Notice:** All variance petitions require a public hearing by the Board of Zoning Appeals. The public hearing is held at City Hall, 130 Penn Street, Westfield, Indiana, in accordance with the Schedule of Meeting and Filing Dates. Notice of the hearing is required in accordance with the Board's Rules of Procedure:
1. **Newspaper Publication:** Notice of the hearing will be published in the Hamilton County Reporter and The Times. The Department will handle the newspaper publication requirement.
  2. **Mailed Public Notice:** The applicant is responsible to send public notice by certified mail with proof of mailing (certificate of mailing) to all interested parties, postmarked at least ten (10) days prior to the hearing. A list of adjacent property owners may be obtained from the **Hamilton County Auditor, Office of Transfers and Mapping** (33 North 9th Street, Noblesville, IN 46060, (317) 776-9624), and shall include all owners of property to a depth of two (2) ownerships of no direct or indirect financial or other interest to the applicant or property owner or one eighth of a mile (1/8), whichever is less.
  3. **Public Notice Sign:** The applicant is responsible to post a public notice sign(s) on the property at least ten (10) days prior to the public hearing. The Department will determine sign locations and will make signs available for the applicant to obtain in the office of the Department.
  4. **Affidavit of Notice of Public Hearing:** The applicant shall deliver a copy of the mailed notice and a signed affidavit, verifying that the notices were mailed and the public notice sign(s) was posted on the subject property, to the Department at least four (4) calendar days prior to the public hearing.
- F. **Ex-parte Communication:** In no event shall applicants or other interested parties contact or attempt to communicate with members of the Board in regard to a filed variance petition prior to the public hearing.
- G. **Revised Materials:** If the applicant wishes to submit additional or revised information than what is filed, then the applicant shall submit those to the Department no later than ten (10) days prior to the public hearing.
- H. **Board's Consideration:** Following the public hearing, the Board may either approve, approve with conditions, deny or continue the petition.
- I. **Resource:** Please see the Board's Rules of Procedure for more detailed procedural information.

Current Owner as of April 13, 2023

This information is updated 5 times a week.

PROPERTY ADDRESS:	DEEDED OWNER	SUMMARY INFORMATION:
19002 Shady Nook Rd	Chichwak, William David & Virginia Lee Chichwak h&w	Parcel Number: 08-06-29-00-00-015.000
Westfield, IN 46062	19002 Shady Nook Rd	State Parcel Number: 29-06-29-000-015.000-014
	Westfield, IN 46062	

Legal Description:	Acreage 2.67 Section 29, Township 19, Range 4
Section/Township/Range:	29/19/4
Subdivision Name:	Not Available
Subdivision Section:	Not Available
Deeded Acres:	2.67
Political Township:	Washington
Lot Number(s):	Not Available
Last Recorded Date:	11/9/2022

**claimer:** This program allows you to view and print certain public records. **Each section reflects information as of a specific date;** so the information provided in different sections or reports may not match. All information has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. It may not reflect the current information pertaining to the property of interest.

INDIANA

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## Auditor Online

### Adjoiner Request

## Online Submission Receipt

This receipt may not display at a future date or time. Please print this page for your records or make note of the Confirmation Number.

Date of Submission: Apr 13, 2023

Confirmation #: AR-2023-0073

#### PAYMENT SUMMARY:

Payment Status: Fees have been paid.

County Fee: \$25.00

\*\* LoGO Portal Fee: \$0.92

LoGO Total: \$25.92

#### TRANSACTION SUMMARY:

Adjoiner Request

Owner: William D Chichwak

Contact's Name: Bill Chichwak

Number of Subject Parcels: 1

Parcel Number of Property: 08-06-29-00-00-015.000

#### DELIVERY:

Transfer and Mapping will email this request when it is ready.

**\*\* PLEASE NOTE:**

The Portal Fee is charged by LoGO Local Indiana, the third party that processed the online payment.

Credit Card payments will appear as a single combined transaction on your credit card statement.

E-check (ACH) payments will appear as a single combined transaction on your bank statement.

**CONTACT US:**

To discuss any problems with this transaction, please contact:  
Hamilton County Transfer and Mapping Department  
Phone: (317) 776-9624

Screen ID: 629882



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nc

ALREADY ENTERED FOR TAXATION  
Subject to final acceptance of transfer  
9th day of November 2022 - HG  
*Gloria M. Thibault* Auditor of Hamilton County  
Parcel # 08-06-29-00-00-015.000

2022053896 DEED \$25.00  
11/09/2022 02:09:47PM 2 PGS  
Jennifer Hayden  
Hamilton County Recorder IN  
Recorded as Presented



TGR

DULY ENTERED FOR TAXATION  
Subject to final acceptance of transfer  
1st day of September 2022 - JAT  
*Gloria M. Thibault* Auditor of Hamilton County  
Parcel # 08-06-29-00-00-015.000

NKC

2022043337 DEED \$25.00  
09/01/2022 08:32:13AM 2 PGS  
Jennifer Hayden  
Hamilton County Recorder IN  
Recorded as Presented



LLP

This deed is being re-recorded to correct the  
sequence of recording.

**TRUSTEES' DEED**

(Parcel No. 08-06-29-00-00-015.000/29-06-29-000-015.000-014)

THIS INDENTURE WITNESSETH, That Jeffrey Bocchetto and Linda Bocchetto, as Trustees of the Jeffrey Bocchetto and Linda Bocchetto Joint Revocable Trust dated July 26, 2006 to the remainder ("Grantor"), by virtue of and pursuant to the authority vested in said Trustees in and by said Trust, do hereby CONVEY to William David Chichwak and Virginia Lee Chichwak, husband and wife ("Grantee"), for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate located in Hamilton County, State of Indiana:

A part of the Southwest Quarter of Section 29, Township 19 North, Range 4 East, Hamilton County, Indiana, and being more particularly described as follows:

Beginning at a point on the East line of said Quarter Section being South 00 degrees 00 minutes 00 seconds West (assumed bearing) 368.88 feet from the Northeast Corner thereof; thence continue South 00 degrees 00 minutes 00 seconds West along said East line, 332.40 feet; thence North 89 degrees, 48 minutes 52 seconds West 352.32 feet, thence North 00 degrees 12 minutes 55 seconds West 333.42 feet; thence South 89 degrees 38 minutes 58 seconds East, parallel with the North line of said Quarter Section, 353.58 feet to the Point of Beginning.

The address of such real estate is commonly known as 19002 Shady Nook Road, Westfield, Indiana 46062.

Subject to any and all easements, agreements, restrictions, and other matters of record, subject to the lien for real property taxes not delinquent, and subject to such matters as would be disclosed by an accurate survey and inspection of the real estate.

*[remainder of page intentionally left blank - signature page follows]*

EXEMPT FROM  
SALES DISCLOSURES

PE

IN WITNESS WHEREOF, Grantor has executed this deed this 18<sup>th</sup> day of August, 2022.

GRANTOR: Jeffrey Bocchetto and Linda Bocchetto Joint Revocable Trust dated July 26, 2006 to the remainder

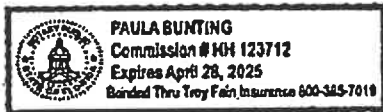
By: Jeffrey Bocchetto, Trustee  
Jeffrey Bocchetto, Trustee

By: Linda Bocchetto, Trustee  
Linda Bocchetto, Trustee

STATE OF ~~INDIANA~~ Florida )  
COUNTY OF Flagler ) SS: ACKNOWLEDGMENT

Before me, a Notary Public in and for said County and State, personally appeared Jeffrey Bocchetto and Linda Bocchetto, as Trustees of the Jeffrey Bocchetto and Linda Bocchetto Joint Revocable Trust dated July 26, 2006 to the remainder, who acknowledged the execution of the foregoing Trustees' Deed for and on behalf of said Trust, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 18 day of August, 2022.



[seal]

Paula Bunting  
Notary Public  
Paula Bunting Flagler  
Printed County of Residence  
HH123712 4/28/2025  
Commission No. My Commission Expires

This instrument was prepared by Robert A. Hicks, Attorney at Law, HALL, RENDER, KILLIAN, HEATH & LYMAN, P.C., 500 North Meridian Street, Suite 400, Indianapolis, Indiana 46204.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Robert A. Hicks

Grantee's mailing address is: 719002 Shady Nook Rd.  
Tax mailing address is: Westfield, IN 46012  
After recording, return to: \_\_\_\_\_

FA968318